



San Diego City Attorney MICHAEL J. AGUIRRE

NEWS RELEASE

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CITY ATTORNEY FILES APPEAL AND SEEKS TO REVERSE RULING THAT DISMISSED CITY'S PENSION CASE

San Diego, CA—The City Attorney's Office filed an appeal this afternoon with the State Court of Appeals requesting a reversal of the decision made by Superior Court Judge Jeffrey B. Barton to dismiss the City's pension case.

"We return to court because justice has not yet been done, and quitting would mean a billion-dollar burden on San Diego taxpayers," said City Attorney Michael Aguirre.

The City's appeal cites numerous legal errors that were made by the trial court, including the application of a one-year statute of limitations to allegations of conflict-of-interest in the making of government contracts. The appeal challenges that interpretation and cites Assembly Bill 1678, signed into law on July 12, 2007, which clarifies California's statute of limitations and specifically provides for a four-year statute of limitations on government contracts.

"We have been victorious in the appellate court, as the Mt. Soledad Cross case and the Roque de la Fuente lawsuit were won on appeal," added City Attorney Aguirre.

The City's counter lawsuit against the San Diego City Employees' Retirement System Board seeks to eliminate illegal and unfunded pension benefits approved by City Councils in 1996 and 2002.

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